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UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

Twenty-fifth session

SUMMARY RECORD OF THE 484th MEETING

Held at Headquarters, New York,
on Friday, 15 May 1992, at 3 p.m.

Chairman: Mr. ABASCAL-ZAMORA (Mexico)

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The meeting was called to order at 3.15 p.m.

ADOPTION OF THE REPORT OF THE COMMISSION (continued) (A/CN.9/XXV/CRP.1 and Add.1-13)

Chapters IV, V, VII and XI (A/CN.9/XXV/CRP.1/Add.6, Add.7, Add.9 and Add.11)

1. Chapters IV, V, VII and XI were adopted.

Chapter XII (A/CN.9/XXV/CRP.1/Add.12)

2. Mrs. FLINT (United Kingdom) recalled that when the Commission had considered the recommendation contained in paragraph 3 of General Assembly resolution 46/56 B, her delegation had taken the view that assistance provided to developing countries to attend meetings should be considered in the light of the overall budget. She therefore suggested that the following sentence should be added at the end of paragraph 4: "A view was expressed that such assistance would have to be considered in the context of the overall budget."

3. Mr. BURMAN (United States of America) said that since a number of delegations, including his own, had agreed with the view expressed by the representative of the United Kingdom, the words "a view" should be changed to "the view". He also proposed that the following sentence should be inserted after the sentence proposed by the representative of the United Kingdom: "It was also stated that recommendations on this subject might require consideration by the Fifth Committee of the General Assembly."

4. Mr. ALVAREZ (Uruguay) said that a sentence should be added at the end of paragraph 3 indicating that some delegations had expressed the view that it would be necessary to make an in-depth study of the question of rationalization of the work of the Commission.

5. Mr. KOMAROV (Russian Federation) pointed out that paragraph 12 contained no indication of the venue of the fifteenth session of the Working Group on the New International Economic Order.

6. The CHAIRMAN said that the secretariat would take note of the points raised in connection with chapter XII.

7. Chapter XII was adopted.

Chapter II (A/CN.9/XXV/CRP.1/Add.4)

8. Mr. DUCHEK (Austria), Rapporteur, said that the following sentence should be added at the end of paragraphs 2 and 10: "The Commission was agreed therefore to replace, in the opening phrase of the footnote, the words 'decided to provide' and 'may' by the words 'suggests' and 'might', respectively." In the second sentence of paragraph 10, the words "the text

(Mr. Duchek, Austria)

should make it clear that no consensus had been reached as to" should be changed to "the reason for placing paragraph 2 in a footnote was the lack of consensus on", and the word "itself" should be added at the end of the sentence. Lastly, in paragraph 2 of the decision contained in paragraph 11, which had been drafted by the secretariat at the Commission's request, the words "of the United Nations Commission on International Trade Law" should be deleted.

9. Mr. BURMAN (United States of America) said that if the new sentence was included in paragraphs 2 and 10, there should be some indication that there had been consensus in the Commission on placing the text in a footnote. He therefore proposed that the words "by consensus of the Commission" should be added at the beginning of the new sentence which the Rapporteur had read out.

10. Mr. HERRMANN (Secretary of the Commission) said that the wording read out by the Rapporteur should remain as it was, since if the Commission was agreed, it was necessarily by consensus.

11. Mr. SCHNEIDER (Germany) said that, within the Commission, the word "agreed" had always meant "agreed by consensus". To make that explicit in a particular paragraph could raise doubts in respect of other parts of the document.

12. The CHAIRMAN said that during the Commission's discussion of the draft Model Law on International Credit Transfer no consensus had been reached on including or deleting the provision in question. The Commission had thus compromised by placing that provision in a footnote, and the adoption of the report was not the time to discuss whether or not consensus had been reached. Accordingly, the text should remain as read out by the Rapporteur.

13. Mr. BURMAN (United States of America) proposed that paragraph 3 should reflect his delegation's position fully with the inclusion of the following sentence: "That issue was stated by one delegation to be an important banking supervisory concern due to recent events concerning international banking problems." His proposal was motivated by a recent international case to which it was unnecessary to refer more precisely.

14. The CHAIRMAN said that the secretariat would add the appropriate language.

15. Chapter II, as amended, was adopted.

Chapter VI (A/CN.9/XXV/CRP.1/Add.8)

16. Chapter VI was adopted.

Annex I (A/CN.9/XXV/CRP.1/Add.13

17. Mrs. JAMMETTI GREINER (Observer for Switzerland) noted that the title of article 17 in the French text of the Model Law was "Responsabilité" only, with

(Mrs. Jammetti Greiner, Observer, Switzerland)

no mention of interest, as in the English and Spanish versions. A more faithful translation should be sought.

18. Mrs. AUGIER (France) agreed with the Observer for Switzerland and added that on reading the entire text in French, she had found a number of errors. Her delegation would submit proposed corrections to the secretariat, whose efforts, however, had already resulted in a greatly improved draft.

19. Annex I was adopted.

Chapter VIII (A/CN.9/XXV/CRP.1/Add.10)

20. Mr. HERRMANN (Secretary of the Commission) said that the words "the national correspondents and" should be inserted after the word "congratulated" in paragraph 2.

21. Chapter VIII was adopted.

Adoption of the report as a whole

22. The report as a whole was adopted.

CLOSURE OF THE SESSION

23. The CHAIRMAN said that the Commission had thus concluded the work of its twenty-fifth session.

The meeting rose at 5 p.m.